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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,719	02/23/2004	Matthew B. Schoen	Schoen-P1-04	9452
28710	7590	09/19/2008		
PETER K. TRZYNA, ESQ. P O BOX 7131 CHICAGO, IL 60680			EXAMINER MEINECKE DIAZ, SUSANNA M	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 09/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Responsive Amendment

1. The reply filed on April 18, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has amended original claims 1-4 and added new claims 5-171.

Original claims 1-4 were directed toward handling a "monetary obligation" over a period of time; however, claims 1-4 have been amended to delete reference to the "monetary obligation." Instead, all currently pending claims are now directed toward handling a "financial liability" over a period of time. The Examiner has looked toward the specification in an attempt to discern the scope of a "monetary obligation" versus that of a "financial liability." The only reference to a "monetary obligation" is found on page 22 of the specification (line 12). In this paragraph, original claim 1 is clearly referenced. Regarding "financial liability," there is a reference to apportioning "each superstructure pool member's share of liability" (page 23, line 14 of the specification). Pages 41-42 of the specification refer to determining each member's collateral contribution requirement as well as each member's risk exposure and each member's profit participation. As best understood by the Examiner, the financial liability is associated with the collateral requirement expected from each member (e.g., as suggested in lines 1-2 of page 41 of the specification). However, the monetary obligation is not clearly defined by the specification; therefore, it is not clear how the originally recited "monetary obligation" and currently recited "financial liability" are related to one another? For example, a monetary obligation could refer to money owed to the members (e.g., in the form of a profit payout). In this case, the focus of the invention would be shifted such that current

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claims 1-171 are directed toward handling financial liability over a period of time, which may be seen as a subcombination usable together with the original invention directed toward handling monetary obligation over a period of time. The handling of financial liability does not require the analysis of monetary obligation and vice-versa. While both inventions are classified in 705/36R, each claims the invention with focus on a different aspect, thereby requiring divergent searches. For example, monitoring each member's collateral requirements (e.g., a financial liability) is distinct from monitoring each member's share in the profit (e.g., a monetary obligation), as currently claimed.

If Applicant can persuasively explain how the previously recited "monetary obligation" and currently recited "financial liability" are substantially similar in scope, the Applicant is put on notice that a restriction requirement may be asserted on the currently presented claims to require election of species (particularly to address some of the newly presented dependent claims).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692